

**REMARKS**

Applicant respectfully requests favorable reconsideration of this application, as amended. Claims 1–3, 5–17, 19–21 and 24–37 are pending.

Applicant notes with appreciation the rejoinder of Claims 21–23 and the examination of all the pending claims.

**Drawing Objections**

The drawings were objected to under 37 C.F.R. § 1.83(a). In response, Claims 4 and 18 have been canceled without prejudice and the remaining objections are respectfully traversed. With respect to Claim 10, Applicant directs the examiner's attention to branches 28 depicted in FIG. 6 and described, for example, in Paragraph 0033 of the Specification. With respect to Claim 14, Applicant directs the examiner's attention to drain 46 depicted in FIG. 7 and described, for example, in Paragraph 0034 of the Specification. With respect to Claims 15 and 16, Applicant directs the examiner's attention to insulator 53 depicted in FIG. 6 and described, for example, in Paragraph 0033 of the Specification. With respect to Claims 17 and 20, Applicant directs the examiner's attention to partitions 54 and mounting devices 55 depicted in FIGS. 3 and 4 and described, for example, in Paragraph 0035 of the Specification. Applicant respectfully requests that the examiner reconsider and withdraw the drawing objections.

**Specification Objections**

The Abstract was objected to because the examiner could not determine which submitted abstract is the official abstract. The Abstract has been amended for clarity, with a view to the comments provided by the Office Action on Pages 3–4. No new matter has been added, and Applicant respectfully submits that the objection has been overcome.

The Title was objected to as not being descriptive. In response, the Title has been amended to be "Aircraft With Palletized Functional Units." Applicant respectfully submits that the objection has been overcome.

The Specification was objected to due to informalities associated with the use of the term "EE racks." In response, the Specification has been amended to define this term in the Background of the Invention section (i.e., Paragraph 0002). No new matter has been added, and Applicant respectfully submits that the objection has been overcome.

**Claim Objections**

Claim 19 was objected to due to informalities, and has been amended accordingly. Applicant respectfully submits that the objection has been overcome.

**Claim Rejections**

Claims 6, 9, 18 and 22 were rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as being indefinite. Claims 18 and 22 have been canceled without prejudice, while Claims 6 and 9 have been amended for clarity. No new matter has been added, and Applicant respectfully submits that the indefiniteness rejections have been overcome.

Claims 1, 3–8, 19 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by McDonough (U.S. 3,381,921). Claims 2, 8–18 and 21–23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McDonough in view of Prochaska (U.S. 6,659,402).

In the interests of securing an expedited Notice of Allowance, and without acceding to the rejections, Claims 1, 19 and 21 have been amended to recite certain features of the claimed invention more perspicuously. *To wit*, Claims 1 and 19 have been amended to recite, *inter alia*, “at least one functional unit selected from the group consisting of a water tank, a waste-water tank and an electrical equipment rack,” while Claim 21 has been amended to recite, *inter alia*, “floor elements having elements for transporting and securing freight.” Claims 2, 3, 5–17 and 20 have been amended for antecedence and clarity, while Claim 23 has been canceled without prejudice. New Claims 24–37 have been added. Support for these amendments may be found, for example, in the Specification at Paragraphs 0007 to 0009, 0020, 0034, 0036, etc.; FIGS. 2, 3, etc.; no new matter has been added. Applicant respectfully submits that none of the cited references, taken either singly or in combination, teaches or suggests these features.

In general terms, the claimed invention is directed to a modular construction for a cargo deck, in which the maintenance and installation of functional units, such as water tanks, waste water tanks and electrical equipment racks is simplified by mounting these devices on pallets. The pallets/functional units are then connected to the piping/wiring systems provided in, or under, the cargo deck. Applicant respectfully submits that the cited prior art fails to disclose the mounting of such functional units on pallets. Furthermore, the cited prior art fails to disclose cargo deck modules that have built-in piping/wiring systems. For example, while Proschka discloses that his seat assembly 12 has an integrated base panel 26 that includes aircraft

support devices 50, Proschka's seat assemblies 12 are separate from his cargo deck *per se*, i.e., aircraft support structure 16. *See*, e.g., Col. 3:56–63, Col. 4:43–46; FIGS. 2, 7.

*Claims 1 and 19 Are Allowable over McDonough*

Claims 1 and 19 recite at least one functional unit selected from the group consisting of a water tank, a waste-water tank and an electrical equipment rack. McDonough simply fails to teach (or even suggest) such functional units. While the Office Action asserts that McDonough's "passenger seats 34 in Figure 1 or cargo 46 in Figure 2" (Page 6) are functional units, Applicant disagrees. However, in the interests of securing an expedited Notice of Allowance, Claims 1 and 19 have been amended to clearly distinguish the claimed functional unit over McDonough's components. Accordingly, Applicant submits that Claims 1 and 19 are allowable over McDonough at least for this reason.

Furthermore, Claims 2, 3, 5–17, depending from Claim 1, and Claims 20 and 37, depending from Claim 19, are also allowable, at least for the reasons discussed above. Applicant also submits that the cited references fail to teach or suggest many of the features recited by the dependent claims, and, consequently, that these claims are independently allowable. Further, Applicant challenges the Office Action's assertion that "Having no gap between the elements forms a leakproof connection between them" (Page 11) as unsupported by documentary evidence, and, to the extent that the Office Action is relying upon Official Notice or Common Knowledge, Applicant respectfully requests that the Office Action support its finding with adequate evidence. *See*, MPEP § 2144.03.

*Claim 21 Is Allowable over McDonough and Proschka*

The Office Action admits that McDonough fails to "disclose discrete floor elements connected to the supporting beams to form prefabricated floor modules" (Page 9). In order to cure McDonough's deficiencies, the Office Action cites Proschka and alleges that his base panels 26 "are connected to the supporting beams of the aircraft to form prefabricated floor modules" (*Id.*).

However, the Office Action fails to provide a specific citation to this alleged disclosure in Proschka. And with good reason – Proschka simply fails provide such a teaching. Instead, Proschka discloses that his seat assembly 14 has a primary seat structure 24 and an integrated base panel 26. The primary seat structure 14 includes legs 30 that include a forward pair of attachment mechanisms 72 and a rearward pair of attachment mechanisms 74 that engage with

respective attachment pains 82, 84 of a seat retention rail 18 that has already been coupled to the aircraft support structure 16 (cf. step 120 in Fig 9). Because Proschka's seat assemblies 14 are not attached to the seat retention rails 18 until after the seat retention rails 18 have been coupled to the vehicle support structure 16, Proschka fails to disclose prefabricated floor modules that include a floor element and supporting beams connected to the floor element. Accordingly, Applicant submits that Claim 21 is allowable over the cited references.

In the interests of securing an expedited Notice of Allowance, Claim 21 has been amended to recite that the floor elements have elements for transporting and securing freight. Proschka's base panel 26 simply does not exhibit such elements for transporting and securing freight. Accordingly, this additional limitation further distinguishes the claimed invention over the cited prior art, and Applicant respectfully submits that Claim 21 is allowable over the cited references at least for this reason.

Furthermore, Claims 24–26, depending from Claim 21, are also allowable, at least for the reasons discussed above. Applicant also submits that the cited references fail to teach or suggest many of the features recited by the dependent claims, and, consequently, that these claims are independently allowable.

*New Claims 27 and 33 Are Allowable over McDonough and Proschka*

Claims 27 and 33 recite features similar to Claim 21 and are allowable at least for the reasons discussed above. Furthermore, Claims 28–32, depending from Claim 27, and Claims 34–36, depending from Claim 33, are also allowable, at least for the reasons discussed above. Applicant also submits that the cited references fail to teach or suggest many of the features recited by the dependent claims, and, consequently, that these claims are independently allowable.

**Conclusion**

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance and should now be passed to issue.

A Notice of Allowance is respectfully solicited.

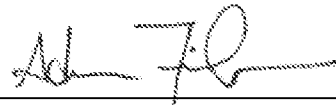
If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

The Commissioner is hereby authorized to charge any fees and to credit any overpayments that may be required by this paper under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 50-2036.

Respectfully submitted,

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## **ABSTRACT**

An aircraft comprises a cargo compartment having a cargo-compartment floor, and at least one functional unit, such as a water tank, a waste-water tank, or an electrical equipment rack. The functional unit is disposed on a pallet so that the functional unit can be transported into, and installed in, the cargo compartment. A fixation device attaches the pallet to the cargo-compartment floor.